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C O N F I D E N T I A L SECTION 01 OF 02 ISTANBUL 000524

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DEPARTMENT FOR EUR/SE

E.O. 12958: DECL: 03/27/2016  
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [TU](#)  
SUBJECT: ECUMENICAL PATRIARCHATE AT THE ECHR: BUYUKADA  
ORPHANAGE PROPERTY

REF: A. 04 ISTANBUL 1753  
[1](#)B. 05 ISTANBUL 1333

Classified By: Consul General Deborah K. Jones, for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Ecumenical Patriarchate officials have expressed to us deep consternation over alleged changes to the Turkish property registry for the Buyukada Orphanage. Before its 2004 expropriation, the historic structure was the last remaining Greek Orthodox property deeded to the Patriarchate, and the Patriarchate is currently seeking its restitution through a case at the European Court of Human Rights (ECHR). According to Patriarchate sources, the Buyukada property register was amended sometime last month to reflect the 2004 Turkish court decision that revoked the Patriarchate deed and transferred the property to a Greek Orthodox foundation which the GOT had taken over in 1997. While the registry's reported amendment does not appear to affect the material facts of the ECHR case, our community contacts believe it indicative of the GOT's continuing hard line on property issues. Their concerns appear to be well-founded: in conversations with Emboffs, Foundations Directorate officials in Ankara have been dismissive of the Patriarchate's claims, arguing that the property was deeded erroneously to the Patriarchate in the early days of the Turkish Republic and properly belongs to the Greek Orthodox foundation now under GOT administration. End Summary.

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A Tortured Legal History  
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[1](#)2. (U) The Buyukada (or Prinkipos) Orphanage sits on a prime perch atop one of the Princes' Islands in the Marmara Sea, a short ferry ride from downtown Istanbul. The building, though dilapidated, is one of the largest wooden structures in Europe, and is estimated by church officials to be worth up to 80 million Euros (though the local government reportedly valued it at USD 3000 in court documents in 1999). The building was declared a fire hazard in 1964 and subsequently vacated. The Ecumenical Patriarchate undertook discussions with a tourism development company in 1995 to renovate the property and rent it out as a hotel. Entering into the approval process for the project unleashed questions about the structure's ownership. Ultimately the General Directorate for Foundations (Vakiflar) undertook a court case in 1999 to revoke the Patriarchate's deed of ownership, arguing that Ottoman records assigned the property to the Greek Boys Orphanage Foundation, and that the deed had been erroneously assigned to the Patriarchate (which has no legal standing under Turkish law) in the early days of the Turkish Republic.

[1](#)3. (U) A 2004 final court decision found in favor of the

Vakiflar and transferred ownership of the orphanage to the Greek Boys Orphanage Foundation. As that foundation had already been taken over by the Vakiflar in 1997, due to dwindling numbers within the community administering the foundation, the building reverted to government control (ref A). (Note: As reported ref B, in a separate case the Greek Boys Orphanage Foundation had appealed the 1997 seizure. Last year the Council of State (Danistay) ruled in favor of the Foundation but that ruling has not been implemented. End note.)

14. (C) The Patriarchate subsequently opened a case before the ECHR to challenge the 2004 court decision and regain ownership of the orphanage, and earlier this month both the GOT and the Ecumenical Patriarchate submitted their written comments on the matter. Almost concurrently, Patriarchate officials tell us, the Vakiflar ordered that the registration of ownership of the orphanage be changed (by hand) in the Buyukada property registry. (Note: Apparently the records on-site had not yet been changed to reflect the 2004 Turkish court ruling. End note.) Patriarchate lawyers later confirmed that the registration of the property was indeed changed March 20 from the name of the Patriarchate to the name of the Greek Boys Orphanage Foundation currently under GOT control with a case pending on its status. "For the first time I cried," the Patriarchate's Metropolitan Meliton told us, when he learned of the development.

GOT: Registration to Patriarchate was in Error  
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15. (C) General Director of Foundations Yusuf Beyazit defended his Directorate's position in a conversation with Emboffs on March 28. In the Ottoman documents, he said, the orphanage

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was listed as property of the Greek Boys Orphanage Foundation. He conceded that the deed issued by the Republic of Turkey lists the Patriarchate as the owner, but said this was an administrative "error." In any case, he continued, the by-law of the Orphanage Foundation states that the property is to be used as an orphanage and cannot be used for any other purpose. Beyazit said the Vakiflar would gladly renovate the property, at no cost to the Patriarchate, and run it as an orphanage. But instead, the Patriarch insists in claiming it belongs to him.

(C) Moscow: The Third Rome?  
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16. (C) Meliton told us April 6 that he had learned the previous day of two additional monasteries that the GOT had seized. When two workers from the Patriarchate arrived April 5 on the island to perform maintenance and repair on the monasteries, they were shown "title" documents indicating the properties now belong to the Vakiflar. This most recent development added to the already deep concern within the Patriarchate for the legal status of the Patriarchate itself.

Meliton said that he wanted to stay in Istanbul as his ancestors had done for 17 centuries. Finally, he said, it seems the GOT is consciously helping Russia to establish Moscow as the "Third Rome," after Rome itself and then Constantinople, as the seat of Christian Orthodoxy. (Note: According to Meliton, the Russian Orthodox Church has developed a theological stance supporting the claim for Moscow as the Third Rome. End note.)

17. (C) Comment: The continued standoff between the Foundations Directorate and the Patriarchate over the Buyukada Property reflects the larger difficulties the Greek Orthodox community has faced in preserving its properties in the face of Turkish officialdom's efforts to implement the restrictive and convoluted requirements that govern minority foundations to the full letter of the law. While it is not clear that the Patriarchate's legal claim to the orphanage under Turkish law is airtight, its larger moral case that

Turkey's reforms should progress to the point where it should be able to preserve its properties without government interference is unassailable. End comment.

JONES